



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0209

Introduced 01/13/05, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02 from Ch. 102, par. 41.02
5 ILCS 120/2 from Ch. 102, par. 42

Amends the Open Meetings Act. Provides that tourism boards and convention or civic center boards (now tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000) are public bodies for purposes of the Act. Provides that a tourism board or a convention or civic center board may hold closed meetings to consider convention contracts or convention contract proposals.

LRB094 05442 RSP 35487 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public bodies.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Sections 1.02 and 2 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering of a majority of a quorum of
9 the members of a public body held for the purpose of discussing
10 public business.

11 "Public body" includes all legislative, executive,
12 administrative or advisory bodies of the State, counties,
13 townships, cities, villages, incorporated towns, school
14 districts and all other municipal corporations, boards,
15 bureaus, committees or commissions of this State, and any
16 subsidiary bodies of any of the foregoing including but not
17 limited to committees and subcommittees which are supported in
18 whole or in part by tax revenue, or which expend tax revenue,
19 except the General Assembly and committees or commissions
20 thereof. "Public body" includes tourism boards and convention
21 or civic center boards ~~located in counties that are contiguous~~
22 ~~to the Mississippi River with populations of more than 250,000~~
23 ~~but less than 300,000.~~ "Public body" includes the Health
24 Facilities Planning Board. "Public body" does not include a
25 child death review team or the Illinois Child Death Review
26 Teams Executive Council established under the Child Death
27 Review Team Act or an ethics commission acting under the State
28 Officials and Employees Ethics Act.

29 (Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

30 (5 ILCS 120/2) (from Ch. 102, par. 42)

31 Sec. 2. Open meetings.

1 (a) Openness required. All meetings of public bodies shall
2 be open to the public unless excepted in subsection (c) and
3 closed in accordance with Section 2a.

4 (b) Construction of exceptions. The exceptions contained
5 in subsection (c) are in derogation of the requirement that
6 public bodies meet in the open, and therefore, the exceptions
7 are to be strictly construed, extending only to subjects
8 clearly within their scope. The exceptions authorize but do not
9 require the holding of a closed meeting to discuss a subject
10 included within an enumerated exception.

11 (c) Exceptions. A public body may hold closed meetings to
12 consider the following subjects:

13 (1) The appointment, employment, compensation,
14 discipline, performance, or dismissal of specific
15 employees of the public body or legal counsel for the
16 public body, including hearing testimony on a complaint
17 lodged against an employee of the public body or against
18 legal counsel for the public body to determine its
19 validity.

20 (2) Collective negotiating matters between the public
21 body and its employees or their representatives, or
22 deliberations concerning salary schedules for one or more
23 classes of employees.

24 (3) The selection of a person to fill a public office,
25 as defined in this Act, including a vacancy in a public
26 office, when the public body is given power to appoint
27 under law or ordinance, or the discipline, performance or
28 removal of the occupant of a public office, when the public
29 body is given power to remove the occupant under law or
30 ordinance.

31 (4) Evidence or testimony presented in open hearing, or
32 in closed hearing where specifically authorized by law, to
33 a quasi-adjudicative body, as defined in this Act, provided
34 that the body prepares and makes available for public
35 inspection a written decision setting forth its
36 determinative reasoning.

1 (5) The purchase or lease of real property for the use
2 of the public body, including meetings held for the purpose
3 of discussing whether a particular parcel should be
4 acquired.

5 (6) The setting of a price for sale or lease of
6 property owned by the public body.

7 (7) The sale or purchase of securities, investments, or
8 investment contracts.

9 (8) Security procedures and the use of personnel and
10 equipment to respond to an actual, a threatened, or a
11 reasonably potential danger to the safety of employees,
12 students, staff, the public, or public property.

13 (9) Student disciplinary cases.

14 (10) The placement of individual students in special
15 education programs and other matters relating to
16 individual students.

17 (11) Litigation, when an action against, affecting or
18 on behalf of the particular public body has been filed and
19 is pending before a court or administrative tribunal, or
20 when the public body finds that an action is probable or
21 imminent, in which case the basis for the finding shall be
22 recorded and entered into the minutes of the closed
23 meeting.

24 (12) The establishment of reserves or settlement of
25 claims as provided in the Local Governmental and
26 Governmental Employees Tort Immunity Act, if otherwise the
27 disposition of a claim or potential claim might be
28 prejudiced, or the review or discussion of claims, loss or
29 risk management information, records, data, advice or
30 communications from or with respect to any insurer of the
31 public body or any intergovernmental risk management
32 association or self insurance pool of which the public body
33 is a member.

34 (13) Conciliation of complaints of discrimination in
35 the sale or rental of housing, when closed meetings are
36 authorized by the law or ordinance prescribing fair housing

1 practices and creating a commission or administrative
2 agency for their enforcement.

3 (14) Informant sources, the hiring or assignment of
4 undercover personnel or equipment, or ongoing, prior or
5 future criminal investigations, when discussed by a public
6 body with criminal investigatory responsibilities.

7 (15) Professional ethics or performance when
8 considered by an advisory body appointed to advise a
9 licensing or regulatory agency on matters germane to the
10 advisory body's field of competence.

11 (16) Self evaluation, practices and procedures or
12 professional ethics, when meeting with a representative of
13 a statewide association of which the public body is a
14 member.

15 (17) The recruitment, credentialing, discipline or
16 formal peer review of physicians or other health care
17 professionals for a hospital, or other institution
18 providing medical care, that is operated by the public
19 body.

20 (18) Deliberations for decisions of the Prisoner
21 Review Board.

22 (19) Review or discussion of applications received
23 under the Experimental Organ Transplantation Procedures
24 Act.

25 (20) The classification and discussion of matters
26 classified as confidential or continued confidential by
27 the State Employees Suggestion Award Board.

28 (21) Discussion of minutes of meetings lawfully closed
29 under this Act, whether for purposes of approval by the
30 body of the minutes or semi-annual review of the minutes as
31 mandated by Section 2.06.

32 (22) Deliberations for decisions of the State
33 Emergency Medical Services Disciplinary Review Board.

34 (23) The operation by a municipality of a municipal
35 utility or the operation of a municipal power agency or
36 municipal natural gas agency when the discussion involves

1 (i) contracts relating to the purchase, sale, or delivery
2 of electricity or natural gas or (ii) the results or
3 conclusions of load forecast studies.

4 (24) Meetings of a residential health care facility
5 resident sexual assault and death review team or the
6 Residential Health Care Facility Resident Sexual Assault
7 and Death Review Teams Executive Council under the
8 Residential Health Care Facility Resident Sexual Assault
9 and Death Review Team Act.

10 (25) Discussion by a tourism board or a convention or
11 civic center board concerning convention contracts or
12 convention contract proposals.

13 (d) Definitions. For purposes of this Section:

14 "Employee" means a person employed by a public body whose
15 relationship with the public body constitutes an
16 employer-employee relationship under the usual common law
17 rules, and who is not an independent contractor.

18 "Public office" means a position created by or under the
19 Constitution or laws of this State, the occupant of which is
20 charged with the exercise of some portion of the sovereign
21 power of this State. The term "public office" shall include
22 members of the public body, but it shall not include
23 organizational positions filled by members thereof, whether
24 established by law or by a public body itself, that exist to
25 assist the body in the conduct of its business.

26 "Quasi-adjudicative body" means an administrative body
27 charged by law or ordinance with the responsibility to conduct
28 hearings, receive evidence or testimony and make
29 determinations based thereon, but does not include local
30 electoral boards when such bodies are considering petition
31 challenges.

32 (e) Final action. No final action may be taken at a closed
33 meeting. Final action shall be preceded by a public recital of
34 the nature of the matter being considered and other information
35 that will inform the public of the business being conducted.

36 (Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,

1 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03.)